

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN

UNITED STATES OF AMERICA,

Plaintiff,

vs.

Case No. 1:06-CR-273
HON. GEORGE CARAM STEEH

LORD SHAWN RUSSELL,

Defendant.

ORDER DENYING WITHOUT PREJUDICE DEFENDANT'S
MOTION FOR MODIFICATION OR REDUCTION OF SENTENCE PURSUANT
TO 18 U.S.C. § 3582(c)(2) AND MOTION FOR APPOINTMENT OF COUNSEL (#84)

Defendant Lord Shawn Russell moves for modification or reduction of his October 11, 2007 sentence of 684 months imprisonment pursuant to 18 U.S.C. § 3582(c)(2). Russell filed an appeal on October 15, 2007 challenging his convictions and sentence, which remains pending in the Sixth Circuit Court of Appeals. An appeal to the circuit court deprives a district court of jurisdiction as to any matters involved in the appeal. See Jago v. U.S. Dist. Ct., Northern Dist. of Ohio, 570 F.2d 618, 622 (1978). This court currently lacks jurisdiction to adjudicate Russell's motion, which involves a challenge to his appealed sentence. Russell may renew his motion, if appropriate, upon exhaustion of his appeal. Accordingly,

Defendant Russell's motion for modification or reduction of his sentence is hereby DENIED, without prejudice, for lack of jurisdiction. Russell's motion for appointment of counsel is likewise hereby DENIED.

SO ORDERED.

Dated: July 10, 2008

s/George Caram Steeh
GEORGE CARAM STEEH
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on
July 10, 2008, by electronic and/or ordinary mail.

s/Marcia Beauchemin
Deputy Clerk